

Blumberg & Wolk, LLC.

158 Delaware Street

P. O. Box 68

Woodbury, New Jersey 08096

(856) 848-7472

Attorneys for Defendants, Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberley Yvette Smith, M.D., a/k/a Kimberley Yvette Smith-Martin, M.D.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

**IN RE: NEW ENGLAND COMPOUNDING
PHARMACY, INC. PRODUCTS LIABILITY
LITIGATION**

MDL No. 1:13-md-02419-FDS

THIS DOCUMENT RELATES TO:
All Matters

Emergency Motion for Permission to Exceed Page Limit in Filing Memoranda in Support of "Master" or
"Global" Motions to Dismiss as to The Premier Defendants

Defendants Premier Orthopaedic and Sports Medicine Associates of Southern New Jersey, LLC, trading as Premier Orthopaedic Associates, Premier Orthopaedic Associates Surgical Center, LLC, and Kimberley Yvette Smith, M.D., a/k/a Kimberley Yvette Smith-Martin, M.D. (collectively "these Defendants") move the Court to allow memoranda in support of "global" or "master" motions to dismiss to exceed the twenty (20) page limit provided by Local Rule 7.1.(b)(4)

These Defendants are moving to dismiss seven (7) different claims in their "global" or "master" motion to dismiss, which will all need to be separately briefed. It appears that nothing

in the Local Rules would prohibit the filing of separate motions to dismiss and memoranda in support for each individual claim. These Defendants would have no trouble complying with the twenty (20) page limit in doing so. But, these Defendants believe the Court will find a comprehensive motion to dismiss much easier for the court's consideration. However, it would be practically impossible to adequately brief all seven (7) issues in the 20 pages provided by the Local Rules.

The issues addressed in the brief include comprehensive issues of various statutes including the New Jersey Consumer Fraud Statute, issues of strict liability under the New Jersey Products Liability Act, The New Jersey Punitive Damages Act and common law theories of agency among others. A comprehensive singular memorandum is contemplated to be less cumbersome to the Court.

These Defendants estimate that their brief will be between 25-30 pages long in total. For the foregoing reasons, these Defendants respectfully request that the Court waive the 20 page limit for memorandum filed in support of motions provided by Local Rule 7.1(b)(4).

Respectfully Submitted,

DATED: _____

Blumberg & Wolk, LLC

____/s/Jay J. Blumberg_____

Jay J. Blumberg, Esquire

____/s/Christopher M. Wolk_____

Christopher M. Wolk, Esquire

158 Delaware Street

P. O. Box 68

Woodbury, New Jersey 08096

(856) 848-7472

Attorneys for Movants Premier
Orthopaedic and Sports Medicine
Associates of Southern New Jersey,
LLC, trading as Premier
Orthopaedic Associates, Premier
Orthopaedic Associates Surgical
Center, LLC, and Kimberley Yvette
Smith, M.D., a/k/a Kimberley
Yvette Smith-Martin, M.D.

Certificate of Service

I Hereby certify that this document filed through the CM/ECF system will be served electronically to the registered participants identified on the Notice of Electronic Filings and copies will be e-mailed or mailed via regular U.S. mail to those participants identified as unregistered this 31 day of January, 2014.

Blumberg & Wolk, LLC

____/s/Jay J. Blumberg_____
Jay J. Blumberg, Esquire
____/s/Christopher M. Wolk_____
Christopher M. Wolk, Esquire
158 Delaware Street
P. O. Box 68
Woodbury, New Jersey 08096
(856) 848-7472